

REMARKS

The Office Action of March 4, 2010 (hereafter referred to as the "Office Action") has been received and its contents carefully noted. By this Amendment, claims 1, 8, 14, and 21 have been amended to even more clearly define the claimed subject matter and/or to improve the syntax, grammar, and idiom of the language recited therein. No claims have been canceled. Accordingly, claims 1-3, 5-9, 11-12, and 14-22 are currently pending in the application, of which claims 1, 8, and 14 are independent claims. In view of the above amendments and following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for at least the reasons discussed below.

Rejection of Claims Under 35 U.S.C. § 103

In the Office Action, the Examiner has rejected Claims 1-3, 6, 8-9, 14, and 19-22 under 35 U.S.C. §103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view of Brotherston (US 2002/0010633 A1) and Muehlhaeuser (US 2004/0002902 A1); Claims 5, 7, 11-12, and 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view of Brotherston (US 2002/0010633 A1) and Muehlhaeuser (US 2004/0002902 A1) as applied to the respective independent claims, and further in view of Arteaga et al. (US 2002/0161826 A1); and Claims 7 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view of Brotherston (US 2002/0010633 A1) and Muehlhaeuser (US 2004/0002902 A1) as applied to the respective independent claims, and further in view of Albert et al. (US 5,991,410 A). Applicant respectfully traverses each and every one of these rejections. Based on the following remarks, Applicant respectfully submits that the claims are allowable over the prior art.

A. Claims 1-3, 6, 8-9, 14, and 19-22

Independent claims 1, 8 and 14, and dependent claims 2, 3, 6, 9, and 19-22 were rejected by the Examiner as being unpatentable over Brown in view of Brotherston and Muehlhaeuser.

Brown discloses a system that uses dedicated point of sale computers on a train, attached or connected to its docking station, to facilitate food transaction services in the train's dining car. Once the train returns to the station, the data from the point of sale computers is then uploaded to a workstation located at commissaries throughout the railroad network. The information from the workstation is then transmitted directly to a server located at headquarters. The objective of this invention is a food inventory management system that uses a portable terminal acting as a cash register to control and track rolling inventory where numerous trains are stocked with food from the same commissary.

Brotherston discloses a local area network (LAN) system for transport vehicles such as airplanes. Cabin attendants use handheld modules to manage the delivery of products and services to passengers, a cabin server is located onboard the vehicle for storing data, with a communications link to a ground fixed router where the data is then transmitted to an inventory and services server.

Muehlhaeuser discloses the use of a mobile handheld device for accessing services over a wireless connection.

Applicant's invention on the other hand discloses a system and method for access of entertainment services, including sale of duty-free merchandise, headphones, movies, music and other entertainment offerings, in addition to sale of food and beverages, where information is collected on the vehicle by an entertainment subsystem. Applicant's system employs one or more portable devices such as a personal digital assistant (PDA) to perform point of sale (POS) transactions, which may occur on a moving vehicle such as an airplane. The POS transactions may be completed by various forms of payment including cash, credit card, debit card, smart card, coupons, frequent flier awards, complementary services (comps), or other known forms of

payment. The PDA's are configured to provide a change due flag in order to record consumer identifying information to capture the amount of change due to consumer during a transaction event. The PDA's may then be connected to the Internet via an interface to an Internet portal to transfer sales transaction information to one or more servers, including a report server after the transaction event.

In particular, claim 1 recites: A system for inventory and sales reconciliation for multiple scheduled events comprising: an interface to an Internet portal in communication with a database for entering a collection of inventory items in the database for a selected one of the multiple scheduled events, the selected event occurring at a remote location; a personal digital assistant (PDA) for transport with the collection of inventory items to the remote location for collecting sales transactions information relating to sales of one or more of the inventory items to consumers, wherein the PDA is configured to provide a change due flag to record consumer identifying information to capture the amount of change due to consumer; and a report server for receiving information from the database and the PDA for reconciliation of the inventory items and sales transaction information after the selected event.

Neither Brown, in view of Brotherston and Muehlhaeuser, teach wherein a portable device is configured to provide a change due flag to record consumer identifying information such as consumer name, or seat number, and the amount of change due to a consumer as recited by claim 1.

Independent claims 8 and 14 are allowable for similar reasons. With regard to dependent claims 2, 3, 6, 9, and 19-22, Applicant asserts that these claims are allowable on their own merit and at least because they depend on independent claim 1, which Applicant submits has been shown to be allowable.

A rejection under 35 U.S.C. § 103 based on obviousness cannot be properly maintained without a proper disclosure of each and every element and the motivation to combine the elements. Here the applied references fail to disclose the change due flagging feature to

capture the amount of change due to consumer, and the applied references also fails to provide any motivation that would lead one of ordinary skill in the art to combine the references in a manner set forth in the Official Action. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 103.

B. Claims 5, 7, 11-12, and 15-18

Dependent claims 5, 11-12, and 15-17 were rejected by the Examiner as being unpatentable over Brown in view of Brotherston and Muehlhaeuser as applied to the respective independent claims, and further in view of Arteaga et al. (US 2002/0161826 A1).

Examiner states that Brown in view of Brotherston and Muehlhaeuser fails to disclose wherein the POS device is a PDA that has a cradle for upload/download of data including a touch screen interface, printer and magnetic card strip to perform the transaction and capture an electronic signature. Examiner also states that Arteaga discloses such a PDA and that one of ordinary skill in the art would have been motivated to combine the teachings.

While Arteaga does disclose a mobile handheld device for users to carry out real-time transactions, it does not disclose wherein the mobile handheld device is configured to provide a change due flag to record consumer identifying information to capture the amount of change due to consumer.

Applicant expressly includes the arguments noted above with respect to Brown, Brotherston, and Muehlhaeuser, and that the combination does not render obvious the features of the present invention. With regard to dependent claims 5, 11-12, and 15-17, Applicant asserts that these claims are allowable on their own merit and at least because claim 5 depends on independent claim 1, claims 11-12 depend on independent claim 8, and 15-17 depend on independent claim 14, all of which Applicant submits has been shown to be allowable.

Dependent claims 7 and 18 were rejected by the Examiner as being unpatentable over Brown in view of Brotherston and Muehlhaeuser as applied to the respective independent claims, and further in view of Albert et al. (US 5,991,410 A).

Examiner states that Brown in view of Brotherston and Muehlhaeuser fails to disclose receiving transaction information from a financial network and storing settlement information into a database. Examiner also states that Albert discloses such a financial network and storage of settlement information and that one of ordinary skill in the art would have been motivated to combine the teachings.

Applicant expressly includes the arguments noted above with respect to Brown, Brotherston, and Muehlhaeuser and that the combination does not render obvious the features of the present invention. Unlike the Applicant's disclosure, Albert discloses a wireless adaptor for use with a financial transaction device, however it does not teach to a mobile handheld device configured to provide a change due flag to record consumer identifying information to capture the amount of change due to consumer and fails to cure the deficiencies of Brown, Brotherston, and Muehlhaeuser, or the combination thereof.

With regard to dependent claims 7 and 18, Applicant asserts that these claims are allowable on their own merit and at least because claim 7 depends on independent claim 1, and claim 18 depends on independent claim 14, all of which Applicant submits have been shown to be allowable.

In view of the fact that none of the art of record, whether considered alone or in any proper combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, these rejections have been rendered moot. Reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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